IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.3319 of 2007

Atul Ravindra Gaikwad ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr S. A.Dhamale, Advocate for the applicant.

Mr K. V. Saste, APP for the State.

CORAM: V.C. DAGA,J.
DATED: 30th October, 2007.

P.C.:-

1. Heard learned counsel for the applicant and learned A.P.P.for the State.

2. Perused case papers.

3. The applicant, arrested in C.R. No. 53 of 2007 registered with Pimpalgaon Baswant Police Station, for the offence punishable under Sections 302, 498-A,of the I.P.C.is seeking bail under section 439 of the Cr.P.C.

4. The deceased wife of the applicant suffered hundred percent burn and succumbed to the injuries. When the incident took place, she was in the custody of the applicant. Marriage had taken place in the month of

February, 2002. Alleged incident took place in the month of April, 2007. Death of the deceased is within seven years. There is no prima facie material available on record to rebut the presumption. No case is made out for grant of bail.

5. Looking to the material available on record to connect the present applicant with the alleged offence and for the reasons recorded by the Ad-hoc Additional Sessions Judge, in its order dated 11.9.2007 in S.C.No. 57 of 2007 which still hold gold, this is not a fit case to enlarge the applicant on bail.

6. In the result, the present application stands rejected.

7. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

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(V.C. DAGA,J.)